

DECLARATION OF EMERGENCY AND
FINDINGS TO SUPPORT EMERGENCY RULEMAKING

The State Building Code Council (Council), based on the following good cause, finds that an emergency affecting the general welfare of the state of Washington exists. The Council further finds that immediate amendment of a certain Council rule is necessary for the public welfare and that observing the time requirements of notice and opportunity to comment would be contrary to the public interest.

The declaration of emergency affecting the general welfare of the state of Washington is based on the following findings:

The Council adopted the 2006 edition of the International Residential Code (IRC) effective July 1, 2007. The IRC regulates the construction of one and two family residences and townhouses. The 2006 IRC contains provisions related to fire separation distance found in the new section R302 and Table R302.1, that cause a high degree of uncertainty in the building industry. The immediate impact would affect potentially as many as 40,000 building lots in high growth counties in the state.

The Council appointed a technical advisory group to examine a number of uncertainties related to the new provisions including: the distance for exterior wall separation to the lot line; the method of protecting the building eaves; the separation distance of the eave projection; how to measure the fire separation distance including the definition of building line, lot line, and fire separation distance; whether or not the building face includes the finish materials; and how to provide venting in the eave to prevent trapping moisture in the attic. The benefits of increased fire safety with the new provisions were inconclusive given the lack of clarity and the typical zoning provisions in place regulating building separation distance. The technical advisory group concluded that the new provisions would lead to inconsistent interpretations and severe market disruption.

The Council concluded that it is in the best interest of the general welfare of the state of Washington to retain the provisions related to fire separation distance in section R302 of the 2003 edition of the IRC.